



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,391	04/26/2000	Shinichiro Omi	2000 0421A	1208

7590 08/27/2003

Wenderoth Lind & Ponack LLP  
2033 K Street NW  
Suite 800  
Washington, DC 20006

EXAMINER
----------

LEE, TIMOTHY L

ART UNIT	PAPER NUMBER
----------	--------------

2697

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/559,391

Applicant(s)

OMI ET AL.

Examiner

Timothy Lee

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4, 12, 13 and 15 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-11, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 4, 12, 13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan (US 5,790,551). Chan discloses a method for transmitting packetized data in a cellular communication system uses a dynamic channel assignment scheme. See Abstract. In setting up a connection, the mobile end system first send a request message on the reverse packet data control channel to a Mobile Digital Base station (MDBS)—in this case, the mobile end station can be considered the “transmitting station” while the mobile digital base station can be considered the “receiving station” (said transmitting station transmits a reservation request packet for bandwidth reservation to said receiving station when data to be transmitted is generated). If the mobile end system wins a contention process, the MDBS may send a response message to the mobile end station on the forward response channel. The response message may contain the packet data traffic channel information for the mobile end system’s data transmission, e.g., the assigned packet data traffic channel and time slots in the assigned channel to transmit the packet data (said receiving station reserves the bandwidth in response to the reservation request packet from the transmitting station and transmits a communication reservation packet for informing said transmitting station of the reserved bandwidth). After the mobile end station receives the response message, it switches to the assigned packet data traffic channel at the assigned time slots, and for the assigned time interval, and starts data transmission (creates a data packet according to the generated data and transmits the created data packet

Art Unit: 2697

through the bandwidth informed by the communication reservation packet from said receiving station). It is disclosed that the mobile end station sends for the “assigned time interval”, which was assigned by the MDBS, so inherently, the MDBS must have stored this time interval or know how long the mobile end station is supposed to send for (stores a valid period of the bandwidth reserved for said transmitting station). As shown in Fig. 1, the MDBS also sends shared control feedback information (SCF) in Step 4. This information can be interpreted as being part of the “communication reservation” information because it is control information that informs the mobile end station of the connection situation. Also, no entities are forcing the MDBS to send the SCF status, so it is “voluntary”, and it sends it more than once, so it is also “repeatedly” (voluntarily and repeatedly transmits the communication reservation packet to said transmitting station during the stored valid period). See col. 3, lines 43-67.

2. Regarding claim 4, if the mobile end station has more data blocks to send, it may request permission for a new transmission through the reverse packet data control channel (said transmitting station further transmits the reservation request packet in response to the request inquiry packet transmitted from said receiving station). See col. 4, lines 11-16.

3. Regarding claims 12, 13, and 15, the SCF information sent from the MDBS appears like it might occur after packet data sent from the mobile end station (receiving station further judges that the communication packet can be transmitted on reception of the data packet from said transmission path). See Fig. 1.

*Allowable Subject Matter*

4. Claims 2, 3, 5-11, 14, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sasagawa (US 5,737,312), Kamo (US 2002/0057694), Adams et al. (US 5,504,744), Crisler et al. (US 5,598,417), and Giles et al. (US 5,231,634) disclose systems that involve allocating bandwidth to receiving stations and/or sending feedback messages from the receiver to the source notifying the source of transmitting parameters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Lee whose telephone number is (703)305-7349. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703)305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

TLL

  
JOHN PEZZLO  
PRIMARY EXAMINER